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LIFE TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CATALYST ASSETS LLC,

Plaintiff and
Counterclaim Defendant,

v.

LIFE TECHNOLOGIES CORPORATION,

Defendant and Counterclaimant.

CASE NO.: 11-CV-3537 SBA

**JOINT STIPULATION TO STAY
CASE PENDING
REEXAMINATION**

**Date: February 28, 2011
Time: 1:00 PM
Place: Courtroom 1, 4th Floor**

2. WHEREAS, on September 29, 2011, Life Tech filed a Request for *Ex Parte* Reexamination of U.S. Patent No. 5,858,731 (“‘731 patent”) with the United States Patent and Trademark Office (“PTO”);

4. WHEREAS, on December 2, 2011, the PTO granted Life Tech's Request for Reexamination (*see* D.I. 38); and

a. Catalyst will withdraw its opposition to Life Tech's motion to stay this case pending the requested reexamination;

c. Both parties agree that except as expressly provided herein, nothing herein impairs or diminishes any claim, right, remedy, or defense of either party.

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between plaintiff and counterclaim defendant, Catalyst Assets LLC, and defendant and counterclaimant, Life Technologies Corporation, by and through their respective undersigned attorneys, subject to

1 the approval of the Court, that all proceedings in this case be stayed pending final exhaustion of
2 the requested reexamination of the of '731 patent, including any appeals.

3
4 Dated: February 22, 2012

/s/ Robert H. Stier, Jr.
Robert H. Stier, Jr.

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6 Attorney for Plaintiff and Counterclaim Defendant
CATALYST ASSETS LLC

7 Dated: February 22, 2012

/s/ Katherine Nolan-Stevaux
Katherine Nolan-Stevaux
Attorney for Defendant and Counterclaimant
LIFE TECHNOLOGIES CORPORATION

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11 **CERTIFICATION PURSUANT TO GENERAL ORDER 45**

12 Pursuant to General Order 45, I, [name], attest that the above signatories for the Defendant
13 have concurred and consented to the filing of this document.

14
15 Dated: February 22, 2012

/s/ Katherine Nolan-Stevaux
Katherine Nolan-Stevaux

1 **ORDER** IT IS HEREBY ORDERED THAT:

2 1. The Joint Stipulation to Stay Case Pending Reexamination is GRANTED. This
3 action is STAYED pending final exhaustion of the requested reexamination proceeding, including
4 any appeals.¹

5 2. The Clerk shall ADMINISTRATIVELY CLOSE this matter.


6 3. The parties are instructed to submit status reports to the Court every six months,
7 apprising the Court of the status of the requested reexamination proceeding. The parties are
8 advised that the failure to submit such status reports could result in dismissal of this matter.

9 4. Upon final exhaustion of the requested reexamination proceeding, including
10 any appeal, the parties shall jointly submit to the Court, within one week, a letter indicating
11 that all appeals have been exhausted, and requesting that this matter be reopened and a case
12 management conference be scheduled.

13 5. This Order terminates Docket 26.

14 IT IS SO ORDERED.

15 Dated: 2/21/12

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17 HON. SAUNDRA B. ARMSTRONG
18 UNITED STATES DISTRICT JUDGE
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25 ¹ While the Court orders this action stayed pending final exhaustion of the requested reexamination proceeding, this
26 Order does not foreclose any party from moving to reopen this action prior to completion of the reexamination
27 proceeding upon a showing of compelling circumstances.